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DATE MAILED: 11/04/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/037,184	01/02/2002	David I. Poisner	42390.P12974	6681	
75	590 11/04/2004	EXAM	EXAMINER		
Saina S. Sham	ilov	PHAN, T	PHAN, THANH S		
BLAKELY, SC	KOLOFF, TAYLOR &	ZAFMAN LLP	,		
Seventh Floor	·		ART UNIT	PAPER NUMBER	
12400 Wilshire	Boulevard	2841	2841		
Los Angeles, C	CA 90025-1026				

Please find below and/or attached an Office communication concerning this application or proceeding.

						<i>b</i> XE				
		- /	Application	No.	Applicant(s)					
Office Action Summary			10/037,184		POISNER, DAVID I.					
		Ε	Examiner		Art Unit					
			Thanh S Pha		2841					
The Period for Rep	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).										
Status										
1)⊠ Resp	consive to communication(s) fil	ed on 16 Aug	nust 2004			,				
	s action is FINAL . 2b)⊠ This action is non-final.									
3) Since	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.									
Disposition of	f Claims				•					
4) Claim(s) 1-3,5 and 48-60 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3,5 and 48-60 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.										
Application Pa	apers	÷	· - ·	-						
9) <u></u> The s	specification is objected to by the	ne Examiner.								
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.										
Applic	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.										
Priority under	35 U.S.C. § 119	-								
a)	Certified copies of the priority Certified copies of the priority	y documents h y documents h s of the priority onal Bureau (l	have been n have been n y documents (PCT Rule 1	eceived. eceived in Applications have been receive 7.2(a)).	on No ed in this National Stage					
Attachment(s)	•									
	eferences Cited (PTO-892)		4 \	☐ Interview Summary	(PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date										
	Disclosure Statement(s) (PTO-1449 o /Mail Date	r PTO/SB/08)		Notice of Informal P	atent Application (PTO-152)					

DETAILED ACTION

Election/Restrictions

Applicant response to the Election/Restrictions on 08/16/04 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 55 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite a "C1 power state", which is an industry standard. Since the industry standards are subject to change and/or revision over a period of time, the recitation of the industry standard in a claim, makes the claim vague and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5 and 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunstan [US 5,714,870].

Regarding claims 48-60, Dunstan discloses an electronic device configured for monitoring power consumed while said device is in a reduced power condition, comprising an electrical energy storage unite powering said device, a processor, a

stored data for calculations purpose.

memory, a display device and a power consumption monitor, said power consumption monitor including means for respectively determining when said electronic device enters and exits the reduced-power state, a means for determining a charge capacity of said electrical energy storage unit before and after said electronic device is in the reduced power state, a means for determining a period of time for calculating charge capacity lost by said electrical energy storage unit during the period of time that the electronic device is in the reduced power state [column 9, lines 27-41]. Dunstan discloses the claim invention except for explicitly mentioned that the entering time is stored in the chip. The examiner takes official notice that it is well known to use chips to stores data/information in the micro-processing environment such as notebook computer. It would have been obvious to one of ordinary skill in the art at time of the invention was made to store data in a chip or a memory means in Dunstan to facilitate rapid access to

Regarding claims, 1-3 and 5, the method steps are necessitated by the apparatus structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maher et al. [US 6,343,363]; Sakabe [US 5,691,948]; Fujita et al. [US 2002/0095494]; Aoyama [US 6,763,471].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

Art Unit: 2841

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800